

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:10CV00404

FILED
CHARLOTTE, NC

FEB 8 2011

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

MEINEKE CAR CARE CENTERS, INC.,)
)
Plaintiff,)
)
vs.)
)
RANDY J. LAMOTTE,)
)
Defendant.)

AGREED FINAL ORDER

The parties having advised the Court that they have settled the above captioned case, and that they have agreed that the Court shall enter this Order,

It is hereby **ORDERED, ADJUDGED, AND DECREED** that:

1. Defendant shall cease and refrain from, for a period of one (1) year from the date of this Order, directly or indirectly owning a legal or beneficial interest in, managing, operating or consulting with: (a) any business operating at the premises of former Meineke Center No. 1909 located at 1720 Kanell Blvd, Poplar Bluff, MO 63901 or at the premises of former Meineke Center No. 1912 located at 1410 South Jefferson Avenue, Lebanon, MO 65536 or within a radius of six (6) miles of the premises of former Center No. 1909 or former Center No. 1912 which business repairs or replaces exhaust system components, brake system components, or shocks and struts; and (b) any business operating within a radius of six (6) miles of any Meineke Center existing as of May 1, 2010, the date Defendant's Franchise Agreements terminated, which business repairs or replaces exhaust system components, brake system components, or shocks and struts.

2. IT IS FURTHER ORDERED that, to the extent Defendant has not already done so, he shall immediately remove all names, marks, signs, forms, advertising, manuals, computer software, supplies, products, merchandise and all other things and materials of any kind which are identified or associated with the Meineke name, logo, marks, or trade dress, or which contain a name or trade dress confusingly similar to the Meineke name, logo, marks or trade dress.

3. IT IS FURTHER ORDERED that, to the extent Defendant has not already done so, he shall immediately return to Meineke any confidential materials, including but not limited to the Meineke Operations and Meineke training materials, still in Defendant's control.

4. IT IS FURTHER ORDERED that all claims in this action are dismissed with prejudice.

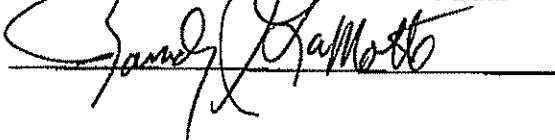
5. The Court retains jurisdiction over the parties to enforce the provisions of this Order.

SO ORDERED, this 24 ^{Feb} day of January, 2011.


UNITED STATES DISTRICT JUDGE

CONSENTED TO IN FORM AND SUBSTANCE:

DEFENDANT RANDY J. LAMOTTE



Date: 1-26-2011

PLAINTIFF MEINEKE CAR CARE CENTERS, INC.


By: _____
Ted Pearce, Vice President and General Counsel

Date: 2-4-11